

**RULES  
OF  
TENNESSEE DEPARTMENT OF AGRICULTURE  
DIVISION OF FOOD AND DAIRY**

**CHAPTER 0080-4-9  
RETAIL FOOD STORE SANITATION**

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**0080-4-9-.01 GENERAL PROVISIONS.**

- (1) For purposes of this Chapter:
- (a) "Approved" means accepted by the commissioner.
  - (b) "Bulk food" means processed or unprocessed food in aggregate containers, from which the consumer can withdraw a desired quantity.
  - (c) "Comminuted" means reduced in size by methods including chopping, flaking, grinding, or mincing.
  - (d) "Commissioner" means the Commissioner of the Tennessee Department of Agriculture or his duly authorized agent.
  - (e) "Contamination" means the act or process of rendering or potentially rendering unfit for use.
  - (f) "Corrosion-resistant materials" means those materials that maintain acceptable sanitary surface characteristics under the prolonged influence of the food to be contacted, the normal use of cleaning compounds and sanitizing solutions, and other conditions of the use environment.
  - (g) "Cross-contamination" means the act or process of rendering unfit or potentially rendering unfit the use of food as a result of the introduction of pathogens, adulteration, or improper handling.
  - (h) "Easily cleanable" means that surfaces are readily accessible and made of such material and finish that residue can be effectively removed by normal cleaning methods.
  - (i) "Employee" means the permit holder, individual having supervisory or management duties, person on the payroll, family member, volunteer, person performing work under contractual agreement, or any other person working in a food store.
  - (j) "Equipment" means items other than utensils used in the storage, preparation, display, and transportation of food, such as stoves, ovens, hoods, slicers, grinders, mixers, scales, meat blocks, tables, food shelving, reach-in refrigerators and freezers, sinks, ice makers, and similar items used in the operation of a retail food store. The term does not include fork lift trucks or dollies.

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- (k) "Extensive remodeling" means changing seating capacity from 16 seats or less to more than 16 seats; or the alteration of walls in food preparation or utensil washing areas; or the increase or decrease of floor size.
- (l) "Food" means any raw, cooked, or processed edible substance, ice, beverage or ingredient used or intended for use or for sale in whole or in part for human consumption.
- (m) "Food contact surfaces" means those surfaces of equipment and utensils with which food normally comes into contact, and those surfaces normally in contact with food.
- (n) "Food service establishment" means any establishment, place or location, whether permanent, temporary, seasonal or itinerant, where food is prepared and the public is offered to be served, or is served, food, including but not limited to, foods, vegetables, and/or beverages not in an original package or container, food and beverages dispensed at soda fountains and delicatessens, and sliced watermelon, ice balls, and/or water mixtures. The term includes any such places regardless of whether there is a charge for the food. The term does not include private homes where food is prepared or served and not offered for sale, retail food store operations other than delicatessens, vending machines, or supply vehicles. The term also does not include any such establishment, place or location, whether permanent, temporary, seasonal or itinerant, which is located west of the Ben Brown Bridge and east of the Lascassas School in Lascassas, Tennessee. Food service establishments shall not include grocery stores which may, incidentally make infrequent, casual sales of uncooked foods for consumption on the premises, or any establishment whose primary business is other than food service, which may, incidentally, make infrequent, casual sales of coffee or prepackaged foods, or both, for consumption on the premises. "Infrequent casual sales" means sales not in excess of fifty dollars (\$50.00) per day on any particular day, for the purposes of the preceding sentence.
- (o) "Hermetically-sealed container" means a container which is designed and intended to be secure against the entry of microorganisms, and which maintains the commercial sterility of its contents after processing.
- (p) "Imminent health hazard" means any condition, deficiency, or practice which, if not corrected, is very likely to result in illness, injury, or loss of life to any person.
- (q) "Law" includes applicable Federal, State, and local statutes, ordinances, and regulations.
- (r) "Packaged" means bottled, canned, cartoned, bagged, or securely wrapped.
- (s) "Permit" means the document issued by the regulatory authority that authorized a person to operate a retail food store.
- (t) "Person" includes any individual, partnership, firm, corporation, agency, municipality, state or political subdivision, the federal government and its agencies and departments, or other legal entity.
- (u) "Potable water" means water that is safe for drinking.
- (v) "Potentially hazardous food" means any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustaceans, or other ingredients, including synthetic ingredients, and which is in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms. The term does not include: foods that have a pH level of 4.6 or below or a water activity

(Rule 0080-4-9-.01, continued)

(aW) value of 0.85 or less under standard conditions; food products in hermetically-sealed containers processed to prevent spoilage.

- (w) "Regulatory authority" means the Tennessee Department of Agriculture.
- (x) "Retail food store" means any establishment or a section of an establishment where food and food products are offered to the consumer and intended for off-premise consumption. The term does not include establishments that handle only prepackaged, non-potentially hazardous foods; roadside markets that offer only fresh fruits and fresh vegetables; food and beverage vending machines; or food service establishments not located within a retail food store.
- (y) "Safe materials" means articles manufactured from or composed of materials that may not reasonably be expected to result, directly or indirectly, in their becoming a component or otherwise affecting the characteristics of any food. If materials are food additives or color additives as defined in Section 201 (s) or (t) of the "Federal Food, Drug and Cosmetic Act," as used, they are "safe" only if they are used in conformity with regulations established pursuant to Section 409 or Section 706 of that Act. Other materials are "safe" only if, as used, they are not food additives or color additives as defined in Section 201 (s) or (t) of the "Federal Food, Drug and Cosmetic Act" and are used in conformity with all applicable regulations of the Food and Drug Administration.
- (z) "Sanitization" means effective bactericidal treatment by a process that provides enough accumulative heat or concentration of chemicals for enough time to reduce the bacterial count, including pathogens, of the food contact surfaces of utensils and equipment to a safe level.
- (aa) "Sealed" means free of cracks or other openings that permit the entry or passage of moisture.
- (bb) "Single-service articles" means items used by the retailer or consumer such as cups, containers, lids, and packaging materials, including bags and similar articles, which are intended for contact with food and designed for one-time use. The term does not include "single use" articles such as number 10 cans, aluminum pie pans, bread wrappers and similar articles with which food has been packaged by the manufacturer.
- (cc) "Transportation" (transported) means the movement of food within the retail food store or the delivery of food from that retail food store to another place while under the control of the person in charge.
- (dd) "Utensil" means any food contact implement used in the storage, preparation, transportation, or dispensing of food.
- (ee) "Warewashing" means the cleaning and sanitizing of food contact surfaces of equipment and utensils.

**Authority:** T.C.A. §§4-3-203, 53-8-101, 53-8-101 et seq., 53-8-201 et seq., and Public Chapter 633 of 1986, §6. **Administrative History:** Original rule filed September 30, 1986; effective November 14, 1986. Amendment filed February 20, 2002; effective June 28, 2002. Amendment filed June 27, 2008; effective October 28, 2008.

**0080-4-9-.02 FOOD.****(1) Food Supplies.****(a) General.**

1. Food shall be in sound condition, safe for human consumption, and obtained from sources that comply with applicable laws relating to food safety.

**(b) Special requirements.**

1. Fluid milk and fluid milk products used or offered for sale shall comply with the Grade 'A' standards as established by law. Dry milk and milk products used or offered for sale shall be made from pasteurized milk and milk products.
2. Fresh and frozen shucked shellfish (oysters, clams, or mussels) shall be received and/or repacked in non-returnable packages identified with the name and address of the original shell stock processor, shucker-packer, or repacker, and the State certification number issued according to law. Shucked shellfish should be kept in the container in which they were received until used or sold.

Each original container of unshucked shellfish (oysters, clams, or mussels) shall be identified by an attached tag, to be retained for a period of 90 days, that states the name and address of the original shellfish processor, the kind and quantity of shellfish, and certification number issued by the State or foreign shellfish control agency, where applicable.

3. Only clean shell eggs meeting applicable grade standards or pasteurized liquid, frozen or dry eggs, or pasteurized dry egg products shall be used or offered for sale.
4. Only ice which has been manufactured from potable water and handled in a sanitary manner shall be used or offered for sale. Ice offered for sale shall be packaged.

**(2) Food Protection.****(a) General**

1. At all times, including while being stored, prepared, displayed, dispensed, packaged, or transported, food shall be protected from cross-contamination between foods and from potential contamination by insects, insecticides, rodents, rodenticides, probe-type price or probe-type identification tags, unclean equipment and utensils, unnecessary handling, flooding, draining, and overhead leakage or condensation, or other agents of public health significance. Hermetically sealed packages shall be handled so as to maintain product and container integrity. Food items that are spoiled or that are in damaged containers that may affect the product and those food items that have been returned to, or are being detained by, the retail food store because of spoilage, container damage, or other public health considerations, shall be segregated and held in designated areas pending proper disposition unless disposed of under the supervision of the regulatory authority.
2. Emergency Occurrences. The person in charge of a retail food store that is affected by a fire, flood, extended power outage, or a similar significant

(Rule 0080-4-9-.02, continued)

occurrence that creates a reasonable probability that food in the retail food store may have been contaminated or that the temperature level of food which is in a potentially hazardous form may have caused that food to have become hazardous to health, shall take such action as is necessary to protect the public health and shall promptly notify the regulatory authority of the emergency.

- (b) Food Temperatures. Except as otherwise provided in these rules, potentially hazardous foods shall be maintained:

1. At 41°F (= 5°C) or below or 140°F (= 60°C) or above at all times except during necessary periods of preparation.

(3) Food Storage.

(a) General.

1. Food packaged in an immediate closed container, once the container is opened in the retail food store prior to use or retail sale, shall be kept covered. Food, whether raw or prepared, if removed from the immediate closed container in which it was originally packaged prior to use or retail sale, shall be stored in a clean, covered container, except during necessary periods of preparation. Whole and unprocessed fresh raw vegetables and fresh raw fruits shall be exempted from this requirement. Container covers shall be impervious and nonabsorbent. During periods of storage, subprimal cuts of meat shall be covered with single-service wrapping materials. Primal cuts, quarter or sides of meat, or processed meats such as country hams, slab bacon, and smoked or cured sausages, may be hung uncovered on clean, sanitized hooks or placed on clean, sanitized metal racks in such a manner as to preclude contamination of any food products in storage.
2. Containers of food shall be stored a minimum of six (6) inches (152 millimeters (mm) above the floor or stored on dollies, skids, racks, or open-ended pallets, provided such equipment is easily movable either by hand or with the use of pallet-moving equipment that is on the premises and used. Such storage areas shall be kept clean. Cased food packaged in cans, glass, or other waterproof containers need not be elevated when the case of food is not exposed to floor moisture and the storage area is kept clean.
3. Food and containers of food shall not be stored under exposed or unprotected sewer lines, or water lines that are leaking or on, which condensed water has accumulated.
4. Packaged foods shall not be stored in contact with water or undrained ice.
5. A food ingredient, such as flour, sugar, salt, baking powder, cooking oil or vinegar, that is not stored in the original package and is not readily identifiable on sight, shall be stored in a container identifying it by common name.
6. Toilet rooms and their vestibules, and garbage or mechanical rooms shall not be used for the storage of food.

(b) Refrigerated/Frozen Storage.

1. Refrigeration units or effectively insulated units shall be provided in such number and of such capacity to assure the maintenance of potentially hazardous food at required temperature during storage. Each mechanically refrigerated unit storing

(Rule 0080-4-9-.02, continued)

potentially hazardous food shall be provided with a numerically scaled indicating thermometer, accurate to  $\pm 3^{\circ}$  F ( $= 1^{\circ}$  C). The sensing element shall be located to measure the air temperature in the unit at a location that is representative of the air temperature in the unit. The thermometer scale shall be located to be easily readable. Recording thermometers, accurate to  $\pm 3^{\circ}$  f ( $= 1^{\circ}$  c) may be used in lieu of indicating thermometers.

2. Potentially hazardous food requiring refrigeration after preparation shall be rapidly cooled to an internal temperature of  $41^{\circ}$ F ( $=5^{\circ}$ C) or below. Potentially hazardous foods of large volumes or prepared in large quantities shall be rapidly cooled utilizing such methods as shallow pans, agitation, quick chilling, or water circulation external to the food container so that the cooling period shall not exceed four (4) hours. Potentially hazardous food to be transported shall be pre-chilled and held at a temperature of  $41^{\circ}$ F ( $=5^{\circ}$ C) or below unless maintained in accordance with the hot storage requirements of this code.
3. Potentially hazardous frozen foods shall be kept frozen and should be stored at an air temperature of  $0^{\circ}$  F ( $= - 18^{\circ}$  C) or below except for defrost cycles and brief periods of loading or unloading.
4. Ice used as a cooling medium for food storage shall not be used or sold for human consumption.

(c) Hot Storage.

1. Hot food storage units shall be provided in such number and of such capacity to assure the maintenance of potentially hazardous food at the required temperature during storage. Each hot food storage unit storing potentially hazardous food shall be provided with a numerically scaled indicating thermometer, accurate to  $\pm 3^{\circ}$  F ( $= 1^{\circ}$  C). The sensing element shall be located to measure the air temperature in the unit at a location that is representative of the temperature in the unit. The thermometer scale shall be located to be easily readable. Recording thermometers accurate to  $\pm 3^{\circ}$  F ( $= \pm 1^{\circ}$  C) may be used in lieu of indicating thermometers. Where it is impractical to install thermometers on equipment such as heat lamps, calrod units, or insulated food transport carriers, a food product thermometer shall be available and used to check internal food temperature.
2. The internal temperature of potentially hazardous foods requiring hot storage shall be  $140^{\circ}$  F ( $60^{\circ}$  C) or above, except during necessary periods of preparation. Potentially hazardous food to be transported shall be held at temperature of  $140^{\circ}$  F ( $60^{\circ}$  C) or above, except during necessary periods of preparation. Potentially hazardous food to be transported shall be held at a temperature of  $140^{\circ}$  F ( $60^{\circ}$  C) or above unless maintained in accordance with the refrigerated storage requirements of this code.

(4) Food Preparation.

(a) General.

1. Food shall be prepared with a minimum of manual contact. Food shall be prepared on food contact surfaces, with utensils that are clean and have been sanitized to prevent cross-contamination.
2. Each time there is a change in processing between raw beef, raw pork, raw poultry or raw seafood, or a change in processing from raw to ready-to-eat

(Rule 0080-4-9-.02, continued)

foods, each new operation shall begin with food contact surfaces and utensils which are clean and have been sanitized. Salads and other ready-to-eat foods should be prepared in separate rooms or in areas that are separated by a barrier or open space from areas used for processing potentially hazardous raw products.

3. Potentially hazardous foods that are in a form to be consumed without further cooking such as salads, sandwiches, and filled pastry products should be prepared from chilled products.

(b) Raw Fruits and Raw Vegetables.

1. Raw fruits and raw vegetables that will be cut or combined with other ingredients or will be otherwise processed into food products by the retail food store shall be thoroughly cleaned with potable water before being used.

(c) Cooking Potentially Hazardous Foods.

1. Potentially hazardous foods that are being processed within the retail food store by cooking shall be cooked to heat all parts of the food to a temperature of at least 140° F (60° C), except that:

- (i) Poultry, poultry stuffings, stuffed meats, and stuffings containing meat, shall be cooked to heat all parts of the food to at least 165° F (= 74° C) with no interruption of the cooking process.
- (ii) Pork and pork products shall be cooked to heat all parts of the food to at least 150° F (= 66° C), or, if cooked in a microwave oven, to at least 170° F (= 77° C).
- (iii) When beef roasts under 10 pounds (= 5 kilograms (kg)) in weight are cooked in a still dry heat oven, the oven shall be preheated to and held at an air temperature of at least 350° F (= 177° C) throughout the process. If cooked in a convection oven, the oven shall be preheated to and held at an air temperature of at least 325° F (= 163° C) throughout the process.

When beef roasts of 10 pounds (= 5 kilograms (kg)) or over in weight are cooked in a dry heat oven, the oven shall be preheated to and held at an air temperature of at least 250° F (= 122° C) throughout the process.

Further, in order to meet public health requirements for the processes cited above, the following table lists the minimum internal temperature of the beef roast for the minimum time the roast needs to be held at such temperature.

Minimum Holding Times for Beef Roasts  
at Various Internal Temperatures

Minimum Internal Temperature		Minimum Holding Time	Minimum Internal Temperature		Minimum Holding Time
° F	° C	Minutes	° F	° C	Minutes
130	54.4	121	138	58.9	19
131	55.0	97	139	59.5	15
132	55.6	77	140	60.0	12
133	56.1	62	139	60.6	10

(Rule 0080-4-9-.02, continued)

134	56.7	47	142	61.1	8
135	57.2	37	143	61.7	6
136	57.8	32	144	62.2	5
137	58.4	24			

- (iv) Beef roasts, if cooked in a microwave oven, shall be cooked to an internal temperature of at least 145° F(= 63° C).

- (d) Bakery Product Fillings. Custards, cream fillings and similar products, including synthetic fillings, shall meet the temperature requirement in Subparagraph 3 b (2) of this section following preparation and be maintained at that temperature during storage, transportation, and display. Products with synthetic fillings may be excluded from this requirement if:

1. The food, including the interface between the bakery product and its filling, has a pH level of 4.6 or below or a water activity (a W) value of 0.85 or less under standard conditions; or
2. It is handled in such a manner as to preclude contamination with and the growth of pathogenic microorganisms after heat processing; or
3. Other scientific evidence is on file with the regulatory authority demonstrating that the specific product will not support the growth of pathogenic microorganisms.

Bakery products with synthetic fillings, which meet the above criteria, may be labeled to state that refrigeration is not required.

- (e) Reheating. Potentially hazardous foods that have been cooked and then refrigerated shall be reheated rapidly to an internal temperature of 165° F (= 74° C) or higher for a minimum of 15 seconds before being placed in hot food storage holding units. Food warmers and other hot food holding units shall not be used for the reheating of potentially hazardous foods.
- (f) Food Product Thermometers. Metal stem-type numerically scaled indicating thermometers, accurate to  $\pm 2^{\circ}$  F (=  $\pm 1^{\circ}$  C) shall be provided and used to assure attainment and maintenance of proper temperatures during preparation of all potentially hazardous foods.
- (g) Thawing Potentially Hazardous Foods. Potentially hazardous foods shall be thawed:

1. In refrigerated units at a temperature not to exceed 41°F(=5°C); or
2. Under potable running water at a temperature of 70° F ( = 21° C) or below, with sufficient water velocity to agitate and float off loose food particles into the overflow and for a period not to exceed that reasonably required to thaw the food, or
3. In a microwave oven only when the food will be immediately transferred to conventional cooking units as part of continuous cooking process or when the entire, uninterrupted cooking process takes place in the microwave oven; or
4. As part of the conventional cooking process.

- (5) Food Display.



(Rule 0080-4-9-.02, continued)

- (a) **Potentially Hazardous Foods.** Potentially hazardous foods shall be held at an internal temperature of 41°F(=5°C) or below or at an internal temperature of 140°F(60°C) or higher during display, except that rare roast beef, which is offered for sale hot, shall be held at a temperature of at least 130°F(=55°C).
  - (b) **Frozen Foods.** Food intended for sale in a frozen state should be displayed at an air temperature of 0° F ( = -18° C) or below. Except for defrost cycles and brief periods of loading or unloading. Frozen foods should be displayed below or behind product food lines according to cabinet manufacturers' specifications.
  - (c) **Food Display.** Food on display, other than whole, unprocessed raw fruits and unprocessed raw vegetables, shall be protected from contamination by being packaged, by display cases, by covered containers for self-service, or by similar protective equipment. All food shall be displayed above the floor in a manner that will protect the food from contamination. Hot or cold food units shall be provided to assure the maintenance of potentially hazardous food at the required temperature during display. Potentially hazardous food shall not be provided for consumer self-service.
  - (d) **Dispensing Utensils.** To avoid unnecessary manual contact with the food, suitable dispensing utensils and single-service articles shall be used by employees. consumers who serve themselves bulk food shall be provided suitable dispensing utensils. Dispensing utensils shall be:
    - 1. Stored in the food with the dispensing utensil handle extended out of the food; or
    - 2. Stored clean and dry; or
    - 3. Stored in running potable water.
  - (e) **Food Sample Demonstrations and Food Promotions.** When food sample demonstrations and food promotions are authorized in the retail food store, the person in charge shall ensure that such activities comply with the applicable sanitation provisions of this code.
- (6) **Food Transportation by the Retail Food Store.**
- (a) **General.** Food, other than hanging primal cuts, quarters, or sides of meat, and raw fruits and raw vegetables, shall be protected from contamination by use of packaging or covered containers while being transported. All food being transported shall meet the applicable requirements of this code relating to food protection and food storage. Foods packaged in immediate closed containers do not need to be overwrapped or covered if the immediate closed containers have not been opened, torn, or broken.

**Authority:** T.C.A. §§53-8-101 and 53-8-101 et seq., 53-8-201 et seq. and Public Chapter 633 of 1986, §6. **Administrative History:** Original rule filed September 30, 1986; effective November 14, 1986. Amendment filed February 20, 2002; effective June 28, 2002. Amendments filed June 27, 2008; effective October 28, 2008.

#### **0080-4-9-.03 PERSONNEL.**

- (1) **Employee Health.**
  - (a) **General.** No employee, while infected with a disease in a communicable form that can be transmitted by foods or who is a carrier of organisms that cause such a disease or while affected with a boil, an infected wound, or an acute respiratory infection, shall work in a retail food store in any capacity in which there is a likelihood of such person

(Rule 0080-4-9-.03, continued)

contaminating food or food-contact surfaces with pathogenic organisms or transmitting disease to other persons.

(2) Personal Cleanliness.

- (a) Employees shall thoroughly wash their hands and the exposed portions of their arms with soap and warm water before starting work, during work as often as is necessary to keep them clean, and after smoking, eating, drinking, using the toilet, and again upon returning to work after using the toilet; before and after handling raw meat, or raw poultry, or raw seafood; and as often as is necessary during work to keep them clean. Employees shall keep their fingernails trimmed and clean.

(3) Clothing.

(a) General.

1. Employees shall wear clean outer clothing.
2. Employees shall use effective hair restraints where necessary to prevent the contamination of food or food-contact surfaces.

(4) Employee Practices.

(a) General.

1. Employees shall maintain a high degree of personal cleanliness and shall conform to good hygienic practices during all working periods.
2. Employees shall consume food or use tobacco only in designated areas. Such designated areas must be located so that the employee's eating or tobacco use does not result in the contamination of food, equipment, or utensils. An employee may drink from a closed beverage container if the container is handled so as to prevent the contamination of the employee's hands, the container, any exposed food, clean equipment, utensils, linens, or unwrapped single-service and single-use articles.

**Authority:** T.C.A. §§53-8-101 and 53-8-101 et seq., 53-8-201 et seq., and Public Chapter 633 of 1986, §6. **Administrative History:** Original rule filed September 30, 1986; effective November 14, 1986. Amendment filed February 20, 2002; effective June 28, 2002. Amendment filed June 27, 2008; effective October 28, 2008.

**0080-4-9-.04 EQUIPMENT AND UTENSILS.**

(1) Materials.

- (a) General. Multi-use equipment and utensils shall be constructed and repaired with safe materials, including finishing materials; shall be corrosion resistant and shall be nonabsorbent; and shall be smooth, easily cleanable, and durable under conditions of normal use. Single-service articles shall be made from clean, sanitary, safe materials. Equipment, utensils, and single-service articles shall not impart odors, color, taste, nor contribute to the contamination of food.
- (b) Solder. If solder is used, it shall be composed of safe materials and be corrosion resistant.

(Rule 0080-4-9-.04, continued)

- (c) Wood. Hard maple or equivalent nonabsorbent wood that meets the general requirements set forth in Subparagraph 1.a. of this section may be used for cutting blocks, cutting boards, and bakers' tables. Wood shall not be used as a food-contact surface under other circumstances, except for contact with raw fruits, raw vegetables, and nuts in the shell.
  - (d) Plastics and Rubber Materials. Safe plastic or safe rubber or safe rubber-like materials that are resistant under normal conditions of use to scratching, scoring, decomposition, crazing, chipping, and distortion, that are of sufficient weight and thickness to permit cleaning and sanitizing by normal warewashing methods, and which meet the general requirements set forth in Subparagraph 1.a of this section, are permitted for repeated use.
  - (e) Cutting Surfaces. Cutting surfaces subject to scratching and scoring must be resurfaced so as to be easily cleaned, or be discarded when these surfaces can no longer be effectively cleaned and sanitized.
  - (f) Single-service articles. Single-service articles shall not be reused.
- (2) Design and Fabrication.
- (a) General. All equipment and utensils, including plastic-ware, shall be designed and fabricated for durability under conditions of normal use and shall be resistant to denting, buckling, pitting, chipping, and crazing.
    - 1. Food-contact surfaces shall be easily cleanable, smooth, and free of breaks, open seams, cracks, chips, pits, and similar imperfections, and free of difficulty-to-clean internal corners and crevices. Cast iron may be used as a food-contact surface only if the surface is used for cooking. Threads shall be designed to facilitate cleaning; ordinary "V" type threads are prohibited in food-contact surfaces, except that in equipment such as icemakers, hot oil-cooking equipment, or hot oil filtering systems, such threads shall be minimized.
    - 2. Equipment containing bearings and gears requiring lubricants not made of safe materials shall be designed and constructed so that the lubricant cannot leak, drip, or be forced into food or onto food-contact surfaces. Equipment designed to receive lubrication of bearings and gears on or within food-contact surfaces shall be lubricated with materials meeting the requirements of 21 C.F.R. 178.3570.
    - 3. Sinks and drain boards shall be sloped to drain and be self-draining.
  - (b) Accessibility. Unless designed for in-place cleaning, food-contact surfaces shall be accessible for cleaning and inspection:
    - 1. Without being disassembled; or
    - 2. By disassembling without the use of tools; or
    - 3. By easy disassembling with the use of only simple tools, such as mallets, screwdrivers, or open-end wrenches which are kept near the equipment.
  - (c) Cleaned in Place (CIP). Equipment designed and constructed for CIP shall meet requirements equivalent to those contained in Section 4-203 of the FDA Food Service Sanitation Ordinance.

(Rule 0080-4-9-.04, continued)

- (d) Food Product Thermometers. Indicating thermometers required for immersion into food or cooking media shall be of metal stem-type construction, numerically scaled, and accurate to 2° F (= 1° C).
  - (e) Non-Food-Contact Surfaces. Surfaces of equipment not intended for contact with food, but which are exposed to splash or food debris or which otherwise require frequent cleaning, shall be designed and fabricated to be smooth, washable, free of unnecessary ledges, projections, or crevices, and readily accessible for cleaning, and shall be of such material and in such repair as to be easily maintained in a clean and sanitary condition.
  - (f) Ventilation Hoods. Ventilation hoods and devices, where installed, shall be designed to prevent grease or condensation from collecting on walls and ceilings, and from dripping into food or onto food-contact surfaces. Filters or other grease extracting equipment shall be readily removable for cleaning and replacement, if not designed to be cleaned in place.
  - (g) Maintenance of Equipment and Utensils. All equipment and utensils shall be maintained in good repair to comply with the requirements of this code.
- (3) Equipment Installation and Location.
- (a) General. Equipment, including ice makers and ice storage equipment, shall not be located under exposed or unprotected sewer lines, water lines that are leaking or on which condensed water has accumulated, open stairwells, or other sources of contamination.
  - (b) Table-mounted equipment.
    - 1. Table-mounted equipment shall be installed to facilitate the cleaning of the equipment and adjacent areas.
    - 2. Equipment that is mounted on tables or counters, unless portable, shall be sealed to the table or counter or elevated on legs to provide at least a 4-inch (102 mm) clearance between the table or counter, except that if no part of the table under the equipment is more than 18 inches (457 mm) from cleaning access, the clearance space shall be three (3) inches (76mm) or more; or if no part of the table under the equipment is more than three (3) inches (76 mm) from cleaning access, the clearance space shall be two (2) inches (51 mm) or more.
    - 3. Equipment is portable within the meaning of Subparagraph 3 b (2) of this section if:
      - (i) It is small and light enough to be moved easily by one person; and
      - (ii) It has no utility connection, has a utility connection that disconnects quickly, or has a flexible utility connection line of sufficient length to permit the equipment to be moved for easy cleaning; and
      - (iii) It is table-mounted, such as powered mixers, grinders, slicers, tenderizers, and similar equipment and:
        - (I) Does not exceed 80 pounds [= 36 kilograms (kg)]; or

(Rule 0080-4-9-.04, continued)

- (II) Is equipped with a mechanical means of safely tilting the unit for cleaning.
- (c) Floor-Mounted Equipment.
  - 1. Floor-mounted equipment, unless easily movable shall be;
    - (i) Sealed to the floor; or
    - (ii) Elevated on legs to provide at least a 6-inch (152 mm) clearance between the floor and equipment, except that equipment may be elevated to provide at least a 4-inch (102 mm) clearance between the floor and equipment is more than six (6) inches (152 mm) from cleaning access.
    - (iii) Display shelving units, display refrigeration units, and display freezer units are exempt from the provisions of Subparagraph (3) (c) 1. (i) and (ii) of this section if they are installed so that the floor beneath the units can be cleaned.
  - 2. Equipment is Easily Movable if:
    - (i) It is mounted on wheels or casters; and
    - (ii) It has no utility connection, has a utility connection that disconnects quickly, or has flexible utility line of sufficient length to permit the equipment to be moved for easy cleaning.
  - 3. Unless sufficient space is provided for easy cleaning between, behind, and above each unit of fixed equipment, the space between it and adjoining equipment units and adjacent walls or ceilings shall be not more than 1/32 inch (0.8 mm) and, if exposed to seepage, the space shall be sealed.
- (d) Aisles and working spaces. Aisles and working spaces between units of equipment and between equipment and walls, shall be unobstructed and of sufficient width to permit employees to perform their duties readily without contamination of food or food-contact surfaces by clothing or personal contact. All easily movable storage equipment such as dollies, skids, racks, and open-ended pallets shall be positioned to provide accessibility to working areas.

**Authority:** Public Chapter 633 of 1986, Section 6. **Administrative History:** Original rule filed September 30, 1986; effective November 14, 1986.

**0080-4-9-.05 CLEANING, SANITIZATION AND STORAGE OF EQUIPMENT AND UTENSILS.**

- (1) Equipment and Utensil Cleaning and Sanitization.
  - (a) Cleaning Frequency.
    - 1. Utensils and food-contact surfaces of equipment shall be cleaned and sanitized:
      - (i) Each time there is a change in processing between raw beef, raw pork, raw poultry or raw seafood, or a change in processing from raw to ready-to-eat foods;
      - (ii) After any interruption of operations during which time contamination may have occurred; and

(Rule 0080-4-9-.05, continued)

(iii) After final use of each working day.

2. Where equipment and utensils are used for the preparation of potentially hazardous foods on a continuous or production-line basis, utensils and the food-contact surfaces of equipment shall be cleaned and sanitized at intervals throughout the day on a schedule based on food temperature, type of food, and amount of food particle accumulation.
3. The food-contact surface of cooking devices and the cavities and door seals of microwave ovens shall be cleaned at least once each day of use, except that this shall not apply to hot oil cooking equipment and hot oil filtering systems. The food contact surfaces of all-baking equipment and pans shall be kept free of encrusted grease deposits and other accumulated soil.
4. Non-food-contact surfaces of equipment, including transport vehicles, shall be cleaned as often as is necessary to keep the equipment free of accumulation of dust, dirt, food particles, and other debris.

(b) Wiping Cloths.

1. Cloths or sponges used for wiping food spills on food-contact surfaces of equipment shall be clean and rinsed frequently in one of the sanitizing solutions permitted in Subparagraph (1) (c) 8 of this section and used for no other purpose. These cloths and sponges shall be stored in the sanitizing solution between uses.
2. Cloths or sponges used for cleaning non-food-contact surfaces of equipment shall be clean and rinsed as specified in Subparagraph (1) (b) 1 of this rule and used for no other purpose. These cloths and sponges shall be stored in the sanitizing solution between uses.
3. Single-service disposable towels are permitted in lieu of wiping cloths or sponges if they are discarded after each use.

(c) Manual Cleaning and Sanitizing.

1. For manual cleaning and sanitizing of equipment and utensils, a sink with three compartments shall be provided and used. Sink compartments shall be large enough to accommodate the immersion of most equipment and utensils, and each compartment of the sink shall be supplied with hot and cold potable running water. Where immersion in sinks is impracticable (e.g., because equipment is too large), equipment and utensils shall be cleaned and sanitized manually or by pressure spray methods.
2. Drain boards or easily movable utensil tables of adequate size shall be provided for proper storage and handling of soiled utensils prior to cleaning and for cleaned utensils following sanitizing and shall be located so as not to interfere with proper use of the warewashing facilities.
3. Equipment and utensils shall be preflushed or prescraped and, when necessary, presoaked to remove food particles and soil.
4. The sinks shall be cleaned before use.

(Rule 0080-4-9-.05, continued)

5. When a three-compartment sink is utilized for warewashing, the operation shall be conducted in the following sequence:
  - (i) Equipment and utensils shall be thoroughly cleaned in the first compartment with a hot detergent solution that is kept clean and at a concentration indicated on the manufacturer's label; and
  - (ii) Equipment and utensils shall be rinsed free of detergent and abrasives with clean water in the second compartment; and
  - (iii) Equipment and utensils shall be sanitized in the third compartment according to one of the methods included in Section (1) (c) 8 (Items i thru v) of this rule.
6. When pressure spray methods are utilized for cleaning and sanitizing, the equipment and utensils shall be thoroughly flushed with a detergent-sanitizer solution until the article is free of visible food particles and soil. The detergent-sanitizer shall be used in accordance with the manufacturer's instructions and shall be of the type that does not require a potable water rinse when used according to those instructions.
7. The food-contact surfaces of all equipment and utensils shall be sanitized by:
  - (i) Immersion for at least 1/2 minute in a clean, hot water of temperature of at least 170° F (= 77° C); or
  - (ii) Immersion for at least 1 minute in a clean solution containing at least 50 parts per million of available chlorine as a hypochloride and having a temperature of at least 75° F (= 24° C); or
  - (iii) Immersion for at least 1 minute in a clean solution containing at least 12.5 parts per million of available iodine, having a pH range which the manufacturer has demonstrated to be effective and at a temperature of at least 75° F (= 24° C); or
  - (iv) Immersion for at least, 1 minute in a clean solution containing 200 parts per million of a quaternary ammonium compound and having a temperature of at least 75° F (= 24° C). The quaternary ammonium compound used shall have been compounded by the manufacturer to assure effectiveness in waters up to 500 parts per million hardness at use concentration; or
  - (v) Immersion in a clean solution containing any other chemical sanitizing agent allowed under 21 C.F.R. 178.1010 that will provide the equivalent bactericidal effect of a solution containing at least 50 parts per million of available chlorine as a hypochlorite at a temperature of at least 75° (= 24° C) for 1 minute; or
  - (vi) Treatment with steam free from materials or additives other than those specified in 21 C.F.R. 173.310 in the case of equipment too large to sanitize by immersion, but in which steam can be confined; or
  - (vii) Rinsing, spraying, or swabbing with a chemical sanitizing solution of at least twice the strength required for that particular sanitizing solution under Section (1)(c)(8)(ii)(III) and (V) of this rule in the case of equipment too large to sanitize by immersion.

(Rule 0080-4-9-.05, continued)

8. When hot water is used for sanitizing, the following equipment shall be provided and used:
  - (i) An integral heating device or fixture installed in, on or under the sanitizing compartment of the sink capable of maintaining the water at a temperature of at least 170° (= 77° C);
  - (ii) A numerically scaled indicating thermometer, accurate to  $\pm 3^{\circ}$  F ( $=\pm 1^{\circ}$  C) convenient to the sink for frequent checks of water temperature; and
  - (iii) Utensil racks or baskets of such size and design to permit complete immersion of utensils and equipment in the hot water.
9. Where chemicals are used for sanitization, they shall not have concentrations higher than the maximum permitted under 21 C.F.R. 178.1010 and a test kit or other device that measures the parts per million concentration of the solution shall be provided and used.
- (d) Mechanical Cleaning and Sanitizing. Mechanical cleaning and sanitizing equipment and practices shall conform to the provisions contained in Section 5-104 of the Model Food Service Sanitation Ordinance.
- (e) Drying. Unless used immediately after sanitization, all equipment and utensils shall be air dried. Towel drying shall not be permitted.
- (f) Retail food stores without equipment and utensil cleaning facilities. Retail food stores that do not have facilities for proper cleaning and sanitizing of utensils and equipment shall not prepare or package food or dispense unpackaged food other than raw fruits and raw vegetables.
- (2) Equipment and Utensil Handling and Storage.
  - (a) Handling. Cleaned and sanitized equipment and utensils shall be handled in a way that protects them from contamination.
  - (b) Storage.
    1. Cleaned and sanitized utensils and equipment shall be stored at least six (6) inches (152 mm) above the floor in a clean, dry location in a way that protects them from splash, dust, and other means of contamination. The food-contact surfaces of fixed equipment shall also be protected from contamination. Equipment and utensils shall not be placed under exposed or unprotected sewer lines, or water lines that are leaking or on which condensed water has accumulated.
    2. Utensils shall be air dried before being stored or shall be stored in a self-draining position.
    3. Stored utensils shall be covered or inverted wherever practical.
  - (c) Single-Service Articles.
    1. Single-service articles shall be stored in closed cartons or containers at least six (6) inches (152 mm) above the floor or on easily movable dollies, skids, racks, or open-ended pallets. Such storage shall protect the articles from contamination



(Rule 0080-4-9-.05, continued)

and shall not be located under exposed or unprotected sewer lines, or water lines that are leaking or on which condensed water has accumulated.

2. Single-service articles shall be handled in manner that prevents contamination of surfaces that may come in contact with food.
- (d) Prohibited Storage Areas. Food equipment, utensils, or single-service articles shall not be stored in locker rooms, toilet rooms or their vestibules, garbage rooms, or mechanical rooms.

**Authority:** T.C.A. §53-8-101 et seq. and Public Chapter 633 of 1986, §6. **Administrative History:** Original rule filed. September 30, 1986; effective November 14, 1986. Amendment filed February 20, 2002; effective June 28, 2002.

#### **0080-4-9-.06 SANITARY FACILITIES AND CONTROLS.**

(1) Water Supply.

- (a) General. Sufficient potable water for the needs of the retail food store shall be provided from a source constructed, maintained, and operated according to law. All water provided from any source other than an approved public water supply shall have a bacteriological test at least annually or as often as deemed necessary by the Commissioner. The bacteriological test shall be conducted by an accredited laboratory and the laboratory report shall be available for review at the establishment at all times. If the laboratory report indicates that the water is unsafe, the operator of the establishment shall immediately make correction or provide safe water from other approved sources.
- (b) Water Delivery. All potable water not provided to the retail food store directly from the source by pipe shall be delivered in a bulk water transport system and shall be transferred to a closed water system. Both of these systems shall be constructed, maintained, and operated according to law.
- (c) Water Under Pressure. Water under pressure at the required temperatures shall be provided to all fixtures and equipment that use water.
- (d) Steam. Steam used in contact with food or food-contact surfaces shall be free from any materials or additives other than those specified in 21 C.F.R. 173.310.

(2) Sewage.

- (a) General. All sewage, including liquid waste, shall be disposed of by a public sewerage system or by a sewage disposal system constructed, maintained, and operated according to law. Nonwater carried sewage disposal facilities are prohibited, except as permitted by the regulatory authority.

(3) Plumbing.

- (a) General. Plumbing shall be sized, installed and maintained according to law. There shall be no cross-connection between the potable water supply and any other system containing;
  1. Water of unknown or questionable origin, or
  2. Contaminating or polluting substances.

(Rule 0080-4-9-.06, continued)

- (b) **Nonpotable Water System.** A nonpotable water system is permitted for air conditioning, equipment cooling, and fire protection, and shall be installed according to law. Nonpotable water shall not directly or indirectly contact food or equipment or utensils that contact food. The piping of any nonpotable water system shall be durably identified so that it is readily distinguishable from piping that carries potable water.
  - (c) **Backflow.** The potable water system shall be installed to preclude the possibility of backflow. Devices shall be installed to protect against backflow and backsiphonage at all fixtures and equipment where an air gap at least twice the diameter of the water system inlet is not provided between the water supply inlet and fixture's flood level rim. No hose shall be attached to a faucet that is not equipped with a backflow prevention device.
  - (d) **Grease Traps.** Grease traps, if used, shall be located to be easily accessible for cleaning.
  - (e) **Garbage Grinders.** Garbage grinders, if used, shall be installed and maintained according to law.
  - (f) **Drains.** Except for properly trapped open sinks, there shall be no direct connection between the sewerage system and any drains originating from equipment in which food, portable equipment, or utensils are placed. When a warewashing machine is located within five (5) feet (152 centimeters (cm)) of a trapped door drain, the warewasher waste outlet may be connected directly on the inlet side of a properly vented floor drain trap if permitted by law.
- (4) **Toilet Facilities.**
- (a) **Toilet Installation.** Toilet facilities shall be installed according to law, shall be at least one but not less than the number required by law, shall be conveniently located, and shall be accessible to employees at all times. Establishments constructed or extensively altered after August, 2002 shall provide toilet facilities for patrons of each sex, except that establishments with a seating capacity of sixteen (16) or less are exempt from this requirement, unless otherwise required by state law. Employees and patrons may use the same facilities.
  - (b) **Toilet Design.** Toilets and urinals shall be designed to be easily cleanable.
  - (c) **Toilet Rooms.** Toilet rooms shall be completely enclosed and shall have tight-fitting, self-closing solid doors, except for louvers that may be necessary for ventilation systems.
  - (d) **Toilet Facility Maintenance.** Toilet facilities, including toilet fixtures and any related vestibules, shall be kept clean and in good repair. A supply of toilet tissue shall be provided at each toilet at all times. Easily cleanable receptacles shall be provided for waste materials. Toilet rooms used by women shall have at least one covered waste receptacle.
- (5) **Handwashing Facilities.**
- (a) **Handwashing facility installation.** Handwashing facilities shall be installed according to law, shall be at least one and not less than the number required by law, and shall be conveniently located to permit use by all employees in food preparation and warewashing areas. Handwashing facilities shall be accessible to employees at all times. Handwashing facilities shall also be located in or immediately adjacent to toilet

(Rule 0080-4-9-.06, continued)

rooms or their vestibules. Sinks used for food preparation or for warewashing shall not be used for washing of hands or for any other purpose.

- (b) **Handwashing Facility Faucets.** Each handwashing facility shall be provided with hot and cold water tempered by means of a mixing valve or combination faucet. Any self-closing, slow-closing, or metering faucet used shall be designed to provide a flow of water for at least 15 seconds without the need to reactivate the faucet. Steam mixing valves are prohibited at handwashing facilities.
  - (c) **Handwashing Supplies.** A supply of hand-cleansing soap or detergent shall be available at each handwashing facility. A supply of sanitary towels or a hand-drying device providing heated air shall be conveniently located near each handwashing facility. Common towels are prohibited. If disposable towels are used, easily cleanable waste receptacles shall be conveniently located near each handwashing facility.
  - (d) **Handwashing Facility Maintenance.** Handwashing facilities, soap or detergent dispensers, hand-drying devices, and all related facilities shall be kept clean and in good repair.
- (6) **Garbage and Refuse.**
- (a) **Containers.**
    - 1. Garbage and refuse shall be held in durable, easily cleanable, insect-resistant, and rodent-resistant containers that do not leak and do not absorb liquids. Plastics bags and wet strength paper bags may be used to line these containers. Such bags and durable plastic garbage and refuse containers may be used for storage inside the retail food store.
    - 2. Containers used in food preparation and utensil washing areas shall be kept covered during nonworking hours and after they are filled.
    - 3. Containers stored outside the establishment, including dumpsters, compactors, and compactor systems, shall be easily cleanable, shall be provided with tight-fitting lids, doors, or covers, and shall be kept covered when not in actual use. In containers designed with drains, drain plugs shall be in place at all times, except during cleaning.
    - 4. There shall be sufficient number of containers to hold all the garbage and refuse that accumulates.
    - 5. Soiled containers shall be cleaned at a frequency to prevent insect and rodent attraction. Each container shall be thoroughly cleaned on the inside and outside in a way that does not contaminate food, equipment, utensils, or food preparation areas. Suitable facilities, detergent, and hot water or steam, shall be provided and used for cleaning containers. Liquid waste from compacting or cleaning operations shall be disposed of as sewage.
  - (b) **Storage.**
    - 1. Garbage and refuse on the premises shall be stored in a manner to make them inaccessible to insects and rodents. Outside storage of non-rodent-resistant plastic containers, unprotected plastic bags, wet strength paper bags, or baled units which contain garbage or refuse is prohibited. Cardboard or other packaging material not containing garbage or food wastes need not be stored in covered containers.

(Rule 0080-4-9-.06, continued)

2. Garbage or refuse storage rooms, if used, shall be constructed of easily cleanable, nonabsorbent, washable materials, shall be kept clean, shall be insect and rodent resistant, and shall be large enough to store all the garbage and refuse containers necessitated by disposal pick-up frequency.
3. Outside storage areas or enclosures, if used, shall be kept clean and shall be large enough to store all the garbage and refuse containers necessitated by disposal pick-up frequency. Garbage and refuse containers, dumpsters, and compactor systems located outside, shall be stored on or above a smooth surface of nonabsorbent material, such as concrete or machine-laid asphalt, that is kept clean and maintained in good repair.

(c) Disposal.

1. Garbage and refuse shall be disposed of often enough to prevent the development of objectionable odors and the attraction of insects and rodents.
2. Where garbage or refuse is burned on the premises, it shall be done by controlled incineration in accordance with law. Areas around incineration units shall be kept clean and orderly.

(7) Insect and Rodent Control.

- (a) General. Effective measures shall be utilized to minimize the entry, presence, and propagation of rodents, flies, cockroaches, or other insects. The premises shall be maintained in a condition that prevents the harborage or feeding of insects or rodents.
- (b) Openings. Openings to the outside shall be effectively protected against the entry of rodents. Outside openings shall be protected against the entry of insects by tight fitting, self-closing doors; closed windows; screening; controlled air currents; or other means. Screen doors shall be self-closing, and screens for windows, skylights, transoms, intake and exhaust air ducts, and other openings to the outside shall be tight-fitting and free of breaks. Screening material shall be not less than 16 mesh to the inch.

**Authority:** T.C.A. §§53-8-101 and 53-8-101 et seq., 53-8-201 et seq. and Public Chapter 633 of 1986, §6. **Administrative History:** Original rule filed September 30, 1986; effective November 14, 1986. Amendment filed February 20, 2002; effective June 28, 2002. Amendments filed June 27, 2008; effective October 28, 2008.

**0080-4-9-.07 CONSTRUCTION AND MAINTENANCE OF PHYSICAL FACILITIES.**

(1) FLOORS.

(a) Floor Construction.

1. Except as specified in Subparagraph 1 (b) of this section, floors and floor coverings of all food preparation, food storage, and warewashing areas, and the floors of all walk-in refrigerators, dressing rooms, locker rooms, toilet rooms and vestibules, shall be constructed of smooth durable material such as sealed concrete, terrazzo, quarry tile, ceramic tile, durable grades of vinyl asbestos or plastic tile, or tight-fitting wood impregnated with plastic, and shall be maintained in good repair. Nothing in this section shall prohibit the use of anti-slip floor covering in areas where necessary for safety reasons.

(Rule 0080-4-9-.07, continued)

2. Floors which are water flushed or which receive discharges of water or other fluid wastes or are in areas where pressure spray methods for cleaning are used, shall be provided with properly installed trapped drains. Such floors shall be constructed only of sealed concrete, terrazzo, quarry tile, ceramic tile, or similar materials and shall be graded to drain.
  3. In all establishments utilizing concrete, terrazzo, quarry tile, ceramic tile, or similar flooring materials, or where water flush cleaning methods are used, the junctures between walls and floors shall be covered and sealed. In all other cases, the juncture between walls and floors shall be covered so as not to present an open seam of more than 1/32 inch (0.8 mm).
- (b) Floor Carpeting. Carpeting, if used as a floor covering, shall be of closely woven construction, properly installed, easily cleanable, and maintained in good repair. Carpeting shall not be used in food preparation and warewashing areas, in food storage areas, or in toilet room areas where urinals or fixtures are located.
  - (c) Prohibited Floor Covering. Sawdust, wood shavings, granular salt, baked clay, diatomaceous earth or similar materials shall not be used as floor coverings; however, these materials may be used in amounts necessary for immediate spot clean-up of spills or drippage on floors.
  - (d) Mats and Duckboards. Mats and duckboards shall be of nonabsorbent, grease resistant materials, and of such size, design, and construction to facilitate cleaning and shall be maintained in good repair.
  - (e) Utility Line Installation. Exposed utility service lines and pipes shall be installed in a way that does not obstruct or prevent cleaning of the floor. In all new or extensively remodeled establishments, installation of exposed horizontal utility service lines and pipes on the floor is prohibited.
- (2) Walls and Ceilings.
- (a) Maintenance. Walls and ceilings, including doors, windows, skylights, and similar closures, shall be maintained in good repair.
  - (b) Construction. The walls, wall coverings and ceilings of walk-in refrigeration units, food preparation areas, warewashing areas and toilet rooms and their vestibules shall be smooth, nonabsorbent and easily cleanable. Concrete or pumice blocks and bricks used for interior wall construction in these locations shall be finished and sealed to provide a smooth easily cleanable surface.
  - (c) Exposed Construction. Studs, joists, and rafters shall not be exposed in those areas listed in Subparagraph 2 (b) of this section. If exposed in other rooms or areas, they shall be finished to provide a cleanable surface.
  - (d) Utility Line Installation. Utility service lines and pipes shall not be unnecessarily exposed on walls or ceilings in those areas listed in Subparagraph 2 (b) of this section. Exposed utility service lines and pipes shall be installed in a way that does not obstruct or prevent cleaning of the walls and ceilings.
  - (e) Attachments. Light fixtures, vent covers, wall mounted fans, decorative materials, and similar attachments to walls and ceilings shall be easily cleanable and shall be maintained in good repair.

(Rule 0080-4-9-.07, continued)

- (f) Covering Material Installation. Wall and ceiling covering materials shall be attached and sealed in a manner to be easily cleanable.
- (3) Cleaning Physical Facilities.
  - (a) General. Cleaning of floors, walls, and ceilings shall be done as often as necessary, but preferably during periods when the least amount of food is exposed, such as after closing. Only dustless methods of cleaning floors, cleaning, wet cleaning treated dust mops, or the use of dust-arresting sweeping compounds with brooms. Floors, mats, duckboards, walls, ceilings, and attachments (e.g., light fixtures, vent covers, wall mounted fans, and similar equipment), and decorative materials (e.g., signs and advertising materials) shall be kept clean.
  - (b) Service Sinks. At least one (1) service sink or curbed cleaning facility with a floor drain shall be provided and used for the cleaning of mops of similar wet floor cleaning tools and for the disposal of mop water or similar liquid wastes. Handwashing or warewashing facilities, or food preparation sinks shall not be used for this purpose.
- (4) Lighting.
  - (a) General.
    - 1. Permanently fixed artificial light sources shall be installed to provide at least 20 foot candles (215 lux) of light on all food preparation surfaces and at warewashing work levels.
    - 2. Permanently fixed artificial light sources shall be installed to provide, at a distance of 30 inches (762 mm) from the floor:
      - (i) At least 20 foot candles (214 lux) of light in sales areas, utensil and equipment storage areas, and in handwashing and toilet areas; and
      - (ii) At least 10 foot candles (108 lux) of light in walk-in refrigeration units, dry food storage areas, and in all other areas.
  - (b) Protective Shielding.
    - 1. Lamps located over or within food storage, food preparation, and food display facilities, and facilities where utensils and equipment are cleaned and stored shall be shielded, coated or otherwise shatter resistant.
    - 2. Infrared or other heat lamps shall be protected against breakage by a shield surrounding and extending beyond the bulb, leaving only the face of the bulb exposed.
- (5) Ventilation.
  - (a) General. All rooms shall have sufficient ventilation to keep them free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke, and fumes. Ventilation systems shall be installed and operated according to law and, when vented to the outside, shall not create a harmful or unlawful discharge. Intake and exhaust air ducts shall be maintained to prevent the entrance of dust, dirt, and other contaminating materials.
- (6) Dressing Rooms and Locker Areas.

(Rule 0080-4-9-.07, continued)

- (a) Dressing Rooms and Areas. If employees routinely change clothes within the establishment, rooms or areas shall be designated and used for that purpose. These designated rooms or areas shall not be used for food preparation, food storage, food display, warewashing, or storage of utensils and equipment.
  - (b) Locker Areas. Lockers or other suitable facilities shall be provided and used for the orderly storage of employee clothing and other belongings. Lockers or other suitable facilities may only be located in the designated dressing rooms or areas or, in food storage rooms or areas containing only completely packaged food or packaged single-service articles.
- (7) Poisonous or Toxic Materials.
  - (a) Materials Permitted. Only those poisonous or toxic materials necessary and intended for the maintenance of the establishment, including the cleaning and sanitization of equipment and utensils and the control of insects and rodents, shall be present in retail food stores, except those items being stored or displayed for retail sale as described in Subparagraph 7 (e) of this section.
  - (b) Labeling of Materials. Containers of poisonous or toxic materials necessary for operational maintenance of the establishment shall be prominently and distinctly labeled in accordance with law. Small working containers of bulk cleaning agents shall be individually labeled for easy identification of contents.
  - (c) Storage of Materials. Poisonous or toxic materials necessary for the maintenance of the establishment consist of the following two categories:
    - 1. Insecticides and rodenticides;
    - 2. Detergents, sanitizers, related cleaning or drying agents, and caustics, acids, polishes, and other chemicals. Materials in each of these two categories shall be stored and located to be physically separated from each other; shall be stored in cabinets or in similar physically separated compartments of facilities used for no other purpose; and, to preclude potential contamination, shall not be stored above or intermingled with food, food equipment, utensils, or single-service articles, except that this latter requirement does not prohibit the convenient availability of detergent sanitizers, or sanitizers at warewashing facilities.
  - (d) Use of Materials.
    - 1. Sanitizers, cleaning compounds, or other compounds intended for use on food-contact surfaces shall not be used in a way that leaves a toxic residue on such surfaces, nor in a way that constitutes a hazard to employees of other persons.
    - 2. Poisonous or toxic materials shall not be used in a way that contaminates food, equipment, or utensils, nor in a way other than in full compliance with the manufacturer's labeling.
  - (e) Storage and Display of Materials for Retail Sale. Poisonous or toxic materials stored or displayed for retail sale shall be separated from food and single-service articles by spacing, partitioning, or dividers. These materials shall not be stored or displayed above food or single-service articles.
  - (f) First-Aid Supplies and Personal Medication. Retail food store employee first-aid supplies and personal medications shall be stored in a way that prevents them from contaminating food and food contact surfaces.

(Rule 0080-4-9-.07, continued)

(8) Premises.

(a) General.

1. Retail food stores and all parts of the property used in connection with operations of the establishment shall be reasonably free of litter and articles not essential to the operation or maintenance of the establishment.
2. The walking and driving surfaces of all exterior areas of retail food stores shall be surfaced with concrete, asphalt, or with gravel or similar material effectively treated to facilitate maintenance and minimize dust. The surfaces shall be graded to facilitate drainage.
3. The traffic of unnecessary persons through food-preparation and utensil-washing areas is prohibited.

(b) Living Areas. No operation of a retail food store shall be conducted in any room used as living or sleeping quarters. Retail food store operations shall be separated from any living or sleeping quarters by complete partitioning and solid, self-closing doors.

(c) Laundry Facilities.

1. If provided, laundry facilities in a retail food store shall be restricted to the washing and drying of linens and work clothes used in the operation. If such items are laundered on the premises, an electric or gas dryer shall be provided and used.
2. Separate rooms shall be provided for laundry facilities, except that such operations may be conducted in storage rooms containing only packaged foods or packaged single-service articles.

(d) Linens and Work Clothes Storage.

1. Clean work clothes and linens, including articles such as wiping cloths, shall be stored in a clean place and protected from contamination until used.
2. Soiled work clothes and linens, including articles such as wiping cloths, shall be kept in nonabsorbent containers or washable laundry bags until removed for laundering and shall be stored to prevent contamination of food, food equipment and utensils.

(e) Cleaning Equipment Storage. Maintenance and cleaning tools such as brooms, mops, vacuum cleaners, and similar equipment shall be maintained in good repair and stored in a way that does not contaminate food, utensils, equipment or linens and shall be stored in an orderly manner to facilitate the cleaning of that storage location.

(f) Animals.

1. Live animals, with the exception of service dogs accompanying disabled persons, shall be excluded from within the retail food store operational areas and from immediately adjacent areas inside the store under the control of the permit holder. This exclusion does not apply to edible fish, crustaceans, shellfish, or fish in aquariums.

Live or dead fish bait shall be stored separately from food or food products.



(Rule 0080-4-9-.07, continued)

Patrol dogs accompanying security or police officers shall be permitted in offices, storage areas and outside store premises. Sentry dogs may be permitted to run loose in outside fenced areas for security reasons.

2. While on duty, persons employed in the food operational areas of an establishment shall not care for or handle any pets, or patrol/sentry dogs.

**Authority:** T.C.A. §§53-8-101 and 53-8-101 et seq., 53-8-201 et seq. and Public Chapter 633 of 1986, §6. **Administrative History:** Original rule filed September 30, 1986; effective November 14, 1986. Amendment filed February 20, 2002; effective June 28, 2002. Amendment filed June 27, 2008; effective October 28, 2008.